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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-190772 DATE: January 10, 1978
MATTER OF: Donley, Richardson and Associates

DIGEST:

Protest is dismissed where protester files request for relief in court of competent jurisdiction involving same issues as protest and neither protester nor court has indicated any interest in GAO decision.

Donley, Richardson and Associates (Donley) has protested the methodology and criteria contained in a notice for request for proposals listed in the Federal Register of November 17, 1977 (Vol. 42, No. 222), on page 59419 by the Department of Health, Education, and Welfare.

Donley has also sought judicial relief in the United States District Court for the District of Columbia (Civil Action No. 77-2114). The grounds raised in that action are the same as those raised in the protest before our Office.

A protest will not be decided by this Office where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses an interest in our decision. Since Donley has not requested injunctive relief pending a determination by this Office and the court has not indicated any interest in our view, we will not decide this protest. U.S. Eagle, Inc., B-188330, July 18, 1977, 77-2 CPD 34; 4 C.F.R. § 20.10 (1977).

Accordingly, the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel

- 1 -